

**To:** Duross, Jeanne[Duross.Jeanne@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]  
**From:** Keith, Jennie  
**Sent:** Fri 10/6/2017 5:19:53 PM  
**Subject:** RE: Andrew Wheeler

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Just some thoughts.

Jennie for OGC/Ethics

**From:** Duross, Jeanne  
**Sent:** Thursday, October 05, 2017 9:50 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Andrew Wheeler

You're right and

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

**From:** Fugh, Justina

**Sent:** Thursday, October 05, 2017 9:44 AM

**To:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>;  
Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** RE: Andrew Wheeler

## Ex. 5 - Deliberative Process

**From:** Duross, Jeanne

**Sent:** Thursday, October 05, 2017 9:37 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>;  
Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>; Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** RE: Andrew Wheeler

I think

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

**From:** Fugh, Justina

**Sent:** Wednesday, October 04, 2017 10:42 PM

**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Ross, Margaret <[Ross.Margaret@epa.gov](mailto:Ross.Margaret@epa.gov)>;  
Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>

**Subject:** Andrew Wheeler

He's been nominated by the President to be the Deputy Administrator (see attached).  
He asked this question (see below).

### Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

**From:** Fugh, Justina

**Sent:** Wednesday, October 04, 2017 10:40 PM

**To:** 'Andrew Wheeler' <[REDACTED]> **Ex. 6 - Personal Privacy**

**Subject:** RE: new question

Hi,

I am delighted that you're asking about this sort of thing ... it augurs well for our future working relationship! I find that, in ethics, you don't know pitfalls unless you ask.

Yes, I have ethics concerns about this situation that will need to be navigated adroitly.

After you are sworn in, you will be an EPA employee and political appointee, subject to the Trump Ethics Pledge. This means that you cannot accept any gift that is offered to you from a prohibited source or because of your official position. I can argue that the send-off party is due to your leaving the firm as opposed to the particular position. But once an employee, you will be subject to the prohibition against accepting any gift from a federally registered lobbyist, which your firm certainly is. There is an exception, even from the lobbyist gift ban, for a gift given because of a personal relationship, and I suppose we can try to shoehorn this situation into that limited exception. But to do so, I have to stress that the firm should not focus on the job that you are going to but rather the fact that you are leaving. They should not use your EPA position or title in the invitation. And I recommend that you not invite EPA employees to attend in their official capacities. Certainly, no EPA political appointees can attend (because the sponsor is a federally registered lobbyist, after all, and they can't even attend a reception that is free if sponsored by a lobbyist).

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler [Ex. 6 - Personal Privacy]  
**Sent:** Wednesday, October 04, 2017 10:02 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** new question

My firm wants to give me a going away party, they prefer to do it after my confirmation (they don't want to jinx me). Do I need to get this approved ahead of time? Thanks.

- Andrew

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Thur 9/28/2017 10:51:44 PM  
**Subject:** Re: Yes, it's Justina again

I affirm everything in the form, as of the date I signed it.

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy** That will be captured in the next filing.

**Ex. 6 - Personal Privacy**

The ethics agreement is correct.

Thank you.

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Thursday, September 28, 2017 7:22:46 PM  
**To:** Andrew Wheeler  
**Subject:** Yes, it's Justina again

Hi there,

I am writing to say that the Office of Government Ethics is preparing to review your financial disclosure report for preclearance. They ask (and I quote):

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004  
for the zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Wed 9/27/2017 2:37:10 AM  
**Subject:** Re: just a couple of things

Thank you, I'll call you tomorrow. I

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

Thanks.

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, September 26, 2017 8:33:30 PM  
**To:** Andrew Wheeler  
**Subject:** just a couple of things

Hi there,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process** And would you mind giving me a call about something else? I

# Ex. 5 - Deliberative Process

Many thanks,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Fri 9/15/2017 5:02:12 PM  
**Subject:** Re: finally!

Ex. 6 - Personal Privacy

I will sign it on Monday.

Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

Thanks!

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Friday, September 15, 2017 2:39 PM  
**To:** Andrew Wheeler  
**Subject:** RE: finally!

Hi,

Thanks for your review!

Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

With respect to the ethics agreement,

Ex. 5 - Deliberative Process

1)  
2)

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**Sent:** Friday, September 15, 2017 11:12 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: finally!

ok,

1) **Ex. 5 - Deliberative Process**

2) **Ex. 5 - Deliberative Process**

3) **Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**  
**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

what is the next step?

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Wednesday, September 13, 2017 10:17 PM  
**To:** Andrew Wheeler  
**Subject:** finally!

Hi there,

AT LAST, I got the revisions to the ethics agreement from OGE today. Allow me to give you a quick summary of where we are and what I need you to do, please.



# **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

## **Ex. 5 - Deliberative Process**

Justina

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zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Thur 9/7/2017 10:53:15 PM  
**Subject:** Re: another pesky question

## **Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Thursday, September 7, 2017 4:04:53 PM  
**To:** Andrew Wheeler  
**Subject:** another pesky question

Hi there,

## **Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004  
for the zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Wed 9/20/2017 7:07:36 PM  
**Subject:** signed ethics letter  
[WheelerSignedEthicsLetter.pdf](#)

attached is my signed ethics letter.

Thank you!

Andrew

Mr. Kevin S. Minoli  
Designated Agency Ethics Official  
U.S. EPA (2310A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Minoli:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Administrator of the United States Environmental Protection Agency.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as a non-equity principal with the law firm of with Faegre Baker Daniels LLP. I am entitled to my employer's contribution to my defined contribution plan for CY 2017, which will be made in early 2018. This contribution is a set percentage of my salary, and it will be prorated based on the date of my withdrawal. Until I have received this payment, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the firm to pay this contribution, unless I first obtain a written waiver, pursuant to 18 U.S.C. 208(b)(1). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as trustee of Family Living Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Deputy Administrator. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Family Living Trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds

\$50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

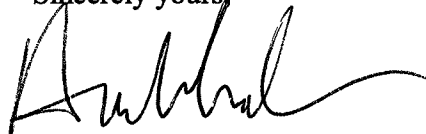
If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Deputy Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Andrew R. Wheeler', with a long, sweeping horizontal line extending to the right.

Andrew R. Wheeler

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Tue 9/5/2017 2:42:19 PM  
**Subject:** Re: Greetings from EPA Ethics!

these are the answers that I sent last week. Please let me know if there were additional questions.

---

**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM  
**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>

**Sent:** Tuesday, August 29, 2017 4:53 PM

**To:** Andrew Wheeler

**Subject:** RE: Greetings from EPA Ethics!

Hi there,

Thanks for the additional information, but it's not over yet ( I know ... this is painful). See comments below:

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 6 - Personal Privacy**

but here are the questions/comments from OGE. Can you tour through them and provide me with any responses? I'll finalize

your report tomorrow and, by then, OGE and will have finished the draft of your ethics agreement, too. I hope!

**Part 2: Filer's Employment Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**



**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**

**Sent:** Monday, August 28, 2017 1:33 PM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Subject:** Re: Greetings from EPA Ethics!

**Ex. - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' { **Ex. 6 - Personal Privacy** }  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

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**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Wed 9/6/2017 2:02:18 PM  
**Subject:** Re: Greetings from EPA Ethics!

yes, **Ex. 6 - Personal Privacy**.

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, September 5, 2017 8:55 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

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zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM

**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Tuesday, August 29, 2017 4:53 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**

**Sent:** Monday, August 28, 2017 1:33 PM

To: Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
Subject: Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' < > **Ex. 6 - Personal Privacy**  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina



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zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Tue 9/5/2017 12:45:54 PM  
**Subject:** Re: Greetings from EPA Ethics!

Thanks, yes I sent you all the answers. Do you need them again?

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Friday, September 1, 2017 8:20:36 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

Not yet, but I'll follow up with them. Did you give me answers to their pesky questions about the financial disclosure report?

**From:** Andrew Wheeler [mailto:Ex. 6 - Personal Privacy]  
**Sent:** Friday, September 01, 2017 1:30 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Greetings from EPA Ethics!

Any word from OGE on the ethics agreement?

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, August 29, 2017 4:53:18 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

Hi there,

Thanks for the additional information, but it's not over yet ( I know ... this is painful). See comments below:

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 6 - Personal Privacy**

but here are the questions/comments from OGE. Can you tour through them and provide me with any responses? I'll finalize your report tomorrow and, by then, OGE and will have finished the draft of your ethics agreement, too. I hope!

**Part 2: Filer's Employment Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**

**Sent:** Monday, August 28, 2017 1:33 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' <**Ex. 6 - Personal Privacy**>  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

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zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Mon 9/11/2017 2:23:14 PM  
**Subject:** Re: another pesky question

Hi, hope you had a nice weekend. any word on the agreement?

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Thursday, September 7, 2017 4:04 PM  
**To:** Andrew Wheeler  
**Subject:** another pesky question

Hi there,

## **Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

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**To:** Fugh, Justina[Fugh.Justina@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Tue 9/5/2017 3:12:53 PM  
**Subject:** Re: Greetings from EPA Ethics!

## Ex. 6 - Personal Privacy

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, September 5, 2017 1:53 PM  
**To:** Andrew Wheeler  
**Subject:** Re: Greetings from EPA Ethics!

# Ex. 6 - Personal Privacy

Sent from my iPhone

On Sep 5, 2017, at 10:43 AM, Andrew Wheeler <Ex. 6 - Personal Privacy> wrote:

these are the answers that I sent last week. Please let me know if there were additional questions.

---

**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM  
**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

Ex. 6 - Personal Privacy; Ex. 3 - Statutory



**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, August 29, 2017 4:53 PM

**To:** Andrew Wheeler

**Subject:** RE: Greetings from EPA Ethics!

Hi there,

Thanks for the additional information, but it's not over yet ( I know ... this is painful).  
See comments below:

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 6 - Personal Privacy**

but here are the questions/comments from OGE. Can you tour through them and provide me with any responses? I'll finalize your report tomorrow and, by then, OGE and will have finished the draft of your ethics agreement, too. I hope!

**Part 2: Filer's Employment Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 -Personal Privacy; Ex. 3 - Statutory**

**Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 -Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for  
the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler [ **Ex. 6 - Personal Privacy** ]

**Sent:** Monday, August 28, 2017 1:33 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 -Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 -Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 -Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' <[Ex. 6 - Personal Privacy](#)>  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Fugh, Justina[Fugh.Justina@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]  
**From:** Andrew Wheeler  
**Sent:** Tue 10/10/2017 3:54:41 PM  
**Subject:** Re: next steps on your confirmation path  
[FinalSignedEthicsLetterWheeler.pdf](#)

attached is the signed letter

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Monday, October 9, 2017 5:33 PM  
**To:** Andrew Wheeler  
**Subject:** next steps on your confirmation path

Hi there,

Now that you've been nominated (hooray!), it's time for you to do two things for me, please:

- 1) Please sign the attached ethics agreement (I'll date it for you); and
- 2) Go into INTEGRITY and sign your nominee report. DO NOT MAKE any changes. You're not updating the report at all, just signing to say that it was accurate as of the date we got it precleared by OGE.

Once you've signed in INTEGRITY and returned your signed agreement, I will go into INTEGRITY and sign off on your nominee report and then transmit your agreement to OGE.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

Mr. Kevin S. Minoli  
Designated Agency Ethics Official  
U.S. EPA (2310A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Minoli:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Administrator of the United States Environmental Protection Agency.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as a non-equity principal with the law firm of with Faegre Baker Daniels LLP. I am entitled to my employer's contribution to my defined contribution plan for CY 2017, which will be made in early 2018. This contribution is a set percentage of my salary, and it will be prorated based on the date of my withdrawal. Until I have received this payment, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the firm to pay this contribution, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as trustee of Family Living Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Deputy Administrator. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Family Living Trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds \$50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

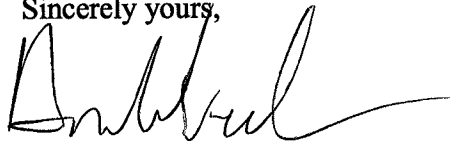
If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Deputy Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler



OCT 10 2017

Mr. Kevin S. Minoli  
Designated Agency Ethics Official  
U.S. EPA (2310A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Minoli:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Administrator of the United States Environmental Protection Agency.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as a non-equity principal with the law firm of with Faegre Baker Daniels LLP. I am entitled to my employer's contribution to my defined contribution plan for CY 2017, which will be made in early 2018. This contribution is a set percentage of my salary, and it will be prorated based on the date of my withdrawal. Until I have received this payment, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the firm to pay this contribution, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as trustee of Family Living Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Deputy Administrator. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Family Living Trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds \$50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).


If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Deputy Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long, sweeping horizontal line extending to the right.

Andrew R. Wheeler

**To:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**From:** Fugh, Justina  
**Sent:** Mon 10/9/2017 7:33:11 PM  
**Subject:** next steps on your confirmation path  
[EA for preclearance-Wheeler final.docx](#)

Hi there,

Now that you've been nominated (hooray!), it's time for you to do two things for me, please:

- 1) Please sign the attached ethics agreement (I'll date it for you); and
- 2) Go into INTEGRITY and sign your nominee report. DO NOT MAKE any changes. You're not updating the report at all, just signing to say that it was accurate as of the date we got it precleared by OGE.

Once you've signed in INTEGRITY and returned your signed agreement, I will go into INTEGRITY and sign off on your nominee report and then transmit your agreement to OGE.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**From:** Fugh, Justina  
**Sent:** Fri 9/29/2017 7:03:29 PM  
**Subject:** RE: Yes, it's Justina again

Thanks! When you're nominated, you will formally "sign" your financial disclosure report, but will be saying that it's accurate of the earlier date that OGE certified it. You will NOT update the form at all this time as a nominee, but rather will do so next year to reflect changes in CY 2017.

Best,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**Sent:** Thursday, September 28, 2017 6:52 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Yes, it's Justina again

I affirm everything in the form, as of the date I signed it. **Ex. 6 - Personal Privacy**  
**Ex. 6 - Personal Privacy**  
**Ex. 6 - Personal Privacy** That will be captured in the next filing.

**Ex. 6 - Personal Privacy**

The ethics agreement is correct.

Thank you.

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Thursday, September 28, 2017 7:22:46 PM

**To:** Andrew Wheeler  
**Subject:** Yes, it's Justina again

Hi there,

I am writing to say that the Office of Government Ethics is preparing to review your financial disclosure report for preclearance. They ask (and I quote):

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler[ **Ex. 6 - Personal Privacy** ]  
**From:** Fugh, Justina  
**Sent:** Wed 9/27/2017 6:51:36 PM  
**Subject:** RE: just a couple of things

Hi there,

Oh, no, that's not what they mean. Okay, let's see if I can explain adequately.

We have two constructs to consider here: the federal impartiality rules and then the Trump pledge. Both apply to your former employer (the firm) and your former clients. The length of recusal time varies (one year under impartiality rules, and two years under the pledge). But your obligation is just to stay away from your own clients and to stay away from specific party matters in which you know or reasonably should know that your firm is representing a party.

So let's say that, within the recusal period, you are working on a specific party issue (e.g., an enforcement action, registration protest, litigation), and the company at issue will be coming with its lawyers. That's when you learn, for the first time, that the company will be accompanied by your old firm. You didn't know beforehand that Faegre Baker Daniels was involved, so this is the point at which we'll ask that you stop working on that issue.

But often, the Deputy Administrator may be not working on specific party matters but rather on matters of general applicability (such as rulemaking, initiatives, policy matters). The federal impartiality prohibitions do not apply to those types of matters at all. Under the Trump pledge, your obligation is not to attend any meeting at which your firm is representing someone unless the subject matter is of general applicability and more than 5 entities are present. So it may happen that you'll be able to go to a Superfund policy meeting at which Faegre Baker Daniels lawyers are present (along with at least 4 other parties). But you would not be able to go to a meeting about a specific Superfund site at which FBD lawyers are representing the client.

Does that help? I hope so!

**Ex. 6 - Personal Privacy**

**Ex. 6 - Personal Privacy**

I'll be back in the office tomorrow!  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Tuesday, September 26, 2017 10:37 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: just a couple of things

Thank you, I'll call you tomorrow.

**Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

Thanks.

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, September 26, 2017 8:33:30 PM  
**To:** Andrew Wheeler  
**Subject:** just a couple of things

Hi there,

## Ex. 5 - Deliberative Process

Many thanks,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772



**To:** Andrew Wheeler[ **Ex. 6 - Personal Privacy** ]  
**From:** Fugh, Justina  
**Sent:** Tue 9/26/2017 10:33:30 PM  
**Subject:** just a couple of things  
EA for preclearance-Wheeler final.docx

Hi there,

## Ex. 5 - Deliberative Process

Many thanks,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler [ **Ex. 6 - Personal Privacy** ]  
**From:** Fugh, Justina  
**Sent:** Wed 9/13/2017 11:17:41 PM  
**Subject:** finally!  
[EA for preclearance-Wheeler.docx](#)  
[AWheeler current version.pdf](#)

Hi there,

AT LAST, I got the revisions to the ethics agreement from OGE today. Allow me to give you a quick summary of where we are and what I need you to do, please.

## **Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler [ Ex. 6 - Personal Privacy ]  
**From:** Fugh, Justina  
**Sent:** Tue 9/5/2017 9:55:45 PM  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM  
**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, August 29, 2017 4:53 PM

**To:** Andrew Wheeler

**Subject:** RE: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**

**Sent:** Monday, August 28, 2017 1:33 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' **Ex. 6 - Personal Privacy**  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
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zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**From:** Fugh, Justina  
**Sent:** Tue 9/5/2017 2:51:51 PM  
**Subject:** Re: Greetings from EPA Ethics!

Thanks! My epa computer crashed over the weekend so I am limping along on my iPhone. With any luck the help desk will rescue me now that we are all back at work!

Sent from my iPhone

On Sep 5, 2017, at 10:43 AM, Andrew Wheeler <**Ex. 6 - Personal Privacy**> wrote:

these are the answers that I sent last week. Please let me know if there were additional questions.

---

**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM  
**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**



**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

---

**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, August 29, 2017 4:53 PM

**To:** Andrew Wheeler

**Subject:** RE: Greetings from EPA Ethics!

Hi there,

Thanks for the additional information, but it's not over yet ( I know ... this is painful).  
See comments below:

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 6 - Personal Privacy**

but here are the questions/comments from OGE. Can you tour through them and provide me with any responses? I'll finalize your report tomorrow and, by then, OGE and will have finished the draft of your ethics agreement, too. I hope!

## **Part 2: Filer's Employment Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

## **Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

## **Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

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North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for  
the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**Sent:** Monday, August 28, 2017 1:33 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

---

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' <Ex. 6 - Personal Privacy>  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler [Ex. 6 - Personal Privacy]  
**From:** Fugh, Justina  
**Sent:** Wed 9/6/2017 2:05:58 PM  
**Subject:** RE: Greetings from EPA Ethics!

Thanks for the confirmation. I'll tell OGE and see if they can now finalize the ethics agreement they have.

**From:** Andrew Wheeler [Ex. 6 - Personal Privacy]  
**Sent:** Wednesday, September 06, 2017 10:02 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Greetings from EPA Ethics!

yes, [Ex. 6 - Personal Privacy]

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Tuesday, September 5, 2017 8:55 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM  
**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, August 29, 2017 4:53 PM

**To:** Andrew Wheeler

**Subject:** RE: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina



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zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler [ **Ex. 6 - Personal Privacy** ]  
**Sent:** Monday, August 28, 2017 1:33 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks and let me know if you need any additional information.

- Andrew

**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' **Ex. 6 - Personal Privacy**  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

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zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**From:** Fugh, Justina  
**Sent:** Tue 9/5/2017 2:53:35 PM  
**Subject:** Re: Greetings from EPA Ethics!

## **Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

Sent from my iPhone

On Sep 5, 2017, at 10:43 AM, Andrew Wheeler <**Ex. 6 - Personal Privacy**> wrote:

these are the answers that I sent last week. Please let me know if there were additional questions.

---

**From:** Andrew Wheeler  
**Sent:** Tuesday, August 29, 2017 5:44 PM  
**To:** Fugh, Justina  
**Subject:** Re: Greetings from EPA Ethics!

I'll try!

**Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Sent:** Tuesday, August 29, 2017 4:53 PM

**To:** Andrew Wheeler

**Subject:** RE: Greetings from EPA Ethics!

Hi there,

Thanks for the additional information, but it's not over yet ( I know ... this is painful).  
See comments below:

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 6 - Personal Privacy**

but here are the questions/comments from OGE. Can you tour through them and provide me with any responses? I'll finalize your report tomorrow and, by then, OGE and will have finished the draft of your ethics agreement, too. I hope!

**Part 2: Filer's Employment Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 3: Filer's Employment Agreements and Arrangements**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Part 6: Other Assets and Income**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Thanks!  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for  
the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**Sent:** Monday, August 28, 2017 1:33 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** Re: Greetings from EPA Ethics!

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy

Thanks and let me know if you need any additional information.

- Andrew

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**From:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Sent:** Friday, August 25, 2017 10:02 PM  
**To:** Andrew Wheeler  
**Subject:** RE: Greetings from EPA Ethics!

One more question ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy**

**From:** Fugh, Justina  
**Sent:** Friday, August 25, 2017 5:55 PM  
**To:** 'Andrew Wheeler' <**Ex. 6 - Personal Privacy**>  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

Okay, so now the additional questions ...

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**



**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**From:** Fugh, Justina  
**Sent:** Fri 8/25/2017 8:52:42 PM  
**Subject:** RE: Greetings from EPA Ethics!

Hi,

I'm actually working on your revisions now ... it's like you have ESP or something! Will let you know if I need anything. We are also working on drafting the ethics agreement for your review, but that'll be something you see next week.

Cheers,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Andrew Wheeler **Ex. 6 - Personal Privacy**  
**Sent:** Friday, August 25, 2017 4:50 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Greetings from EPA Ethics!

Just checking in, did all of my responses make sense? Do I need to do anything else? Thanks!

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**From:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Sent:** Friday, August 18, 2017 6:11:15 PM  
**To:** **Ex. 6 - Personal Privacy**  
**Subject:** Greetings from EPA Ethics!

Hi there,

Thanks for submitting your nominee new entrant report, and now you will get a bunch of pesky questions. I'm going to send the questions to you in this email AND have already embedded them in your report itself so you can also see them in INTEGRITY. Some of the questions come from the Office of Government Ethics, and they are sort of "belt and suspenders" questions. You know, asking you to confirm that you have in fact thought about everything. So here are the questions. I'm happy to enter information per your direction if that saves you time!

QUESTION	COMMENT FROM JUSTINA	YOUR ANSWER
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**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

*Part 2: Filer's Employment Assets and Income*

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

*Part 3: Filer's Employment Agreements and Arrangements*

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

*Part 4: Filer's Sources of Compensation Exceeding \$5,000 in a Year*

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

*Part 6: Other Assets and Income*

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

*Part 8: Liabilities*

**Ex. 5 - Deliberative Process; Ex. 6 - Personal Privacy; Ex. 3 - Statutory**

Whew! I'll be back in DC on Monday and can answer any questions you may have.

Best,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the  
zip code) | phone 202-564-1786 | fax 202-564-1772

OCT 10 2017

Mr. Kevin S. Minoli  
Designated Agency Ethics Official  
U.S. EPA (2310A)  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Minoli:

The purpose of this letter is to describe the steps that I will take to avoid any actual or apparent conflict of interest in the event that I am confirmed for the position of Deputy Administrator of the United States Environmental Protection Agency.

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

Upon confirmation, I will resign from my position as a non-equity principal with the law firm of with Faegre Baker Daniels LLP. I am entitled to my employer's contribution to my defined contribution plan for CY 2017, which will be made in early 2018. This contribution is a set percentage of my salary, and it will be prorated based on the date of my withdrawal. Until I have received this payment, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the ability or willingness of the firm to pay this contribution, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

I will retain my position as trustee of Family Living Trust. I will not receive any fees for the services that I provide as a trustee during my appointment to the position of Deputy Administrator. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of Family Living Trust, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).



If I rely on a *de minimis* exemption under 5 C.F.R. § 2640.201(b) with regard to any of my financial interests in sector mutual funds, I will monitor the value of those interests. If the aggregate value of my interests in sector mutual funds that concentrate in any one sector exceeds \$50,000, I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of any holdings of the funds that are in the specific sector in which the funds concentrate, unless I first obtain a written waiver pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

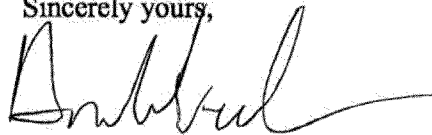
If I have a managed account or otherwise use the services of an investment professional during my appointment, I will ensure that the account manager or investment professional obtains my prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), or obligations of the United States.

I will meet in person with you during the first week of my service in the position of Deputy Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of my confirmation, I will document my compliance with this ethics agreement by notifying you in writing when I have completed the steps described in this ethics agreement.

I understand that as an appointee I will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that I will be bound by the requirements and restrictions therein in addition to the commitments I have made in this ethics agreement.

I have been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Washington, D.C. 20460

**OCT 10 2017**

OFFICE OF  
GENERAL COUNSEL

Mr. David J. Apol, Acting Director  
U.S. Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, D.C. 20005-3919

Dear Mr. Apol:

As required by 5 C.F.R. § 2634.605(c), I have reviewed the Public Financial Disclosure Report (OGE 278) submitted by Andrew Wheeler to describe the steps that he will take to avoid any actual or apparent conflict of interest in the event that he is confirmed for the position of Deputy Administrator of the United States Environmental Protection Agency.

As required by 18 U.S.C. § 208(a), he will not participate personally and substantially in any particular matter in which he knows that he has a financial interest directly and predictably affected by the matter, or in which he knows that a person whose interests are imputed to him has a financial interest directly and predictably affected by the matter, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). He understands that the interests of the following persons are imputed to him: any spouse or minor child of his; any general partner of a partnership in which he is a limited or general partner; any organization in which he serves as officer, director, trustee, general partner or employee; and any person or organization with which he is negotiating or has an arrangement concerning prospective employment.

Upon confirmation, he will resign from his position as a non-equity principal with the law firm of with Faegre Baker Daniels LLP. He is entitled to his employer's contribution to his defined contribution plan for CY 2017, which will be made in early 2018. This contribution is a set percentage of his salary, and it will be prorated based on the date of his withdrawal. Until he has received this payment, he will not participate personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on the ability or willingness of the firm to pay this contribution, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1). For a period of one year after his resignation, he also will not participate personally and substantially in any particular matter involving specific parties in which he knows the firm is a party or represents a party, unless he is first authorized to participate, pursuant to 5 C.F.R. § 2635.502(d). In addition, he will not participate personally and substantially in any particular matter involving specific parties in which he knows a former client of his is a party or represents a party for a period of one year after he last provided service to that client, unless he is first

authorized to participate, pursuant to 5 C.F.R. § 2635.502(d).

He will retain his position as trustee of Family Living Trust. He will not receive any fees for the services that he provides as a trustee during his appointment to the position of Deputy Administrator. He will not participate personally and substantially in any particular matter that to his knowledge has a direct and predictable effect on the financial interests of Family Living Trust, unless he first obtains a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualifies for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).


If he has a managed account or otherwise uses the services of an investment professional during his appointment, he will ensure that the account manager or investment professional obtains his prior approval on a case-by-case basis for the purchase of any assets other than cash, cash equivalents, investment funds that qualify for the exemption at 5 C.F.R. § 2640.201(a), obligations of the United States, or municipal bonds.

He will meet in person with me during the first week of his service as Deputy Administrator in order to complete the initial ethics briefing required under 5 C.F.R. § 2638.305. Within 90 days of his confirmation, he will document his compliance with this ethics agreement by notifying me in writing when he has completed the steps described in this ethics agreement.

He understands that as an appointee he will be required to sign the Ethics Pledge (Exec. Order No. 13770) and that he will be bound by the requirements and restrictions therein in addition to the commitments he has made in this ethics agreement.

He has been advised that this ethics agreement will be posted publicly, consistent with 5 U.S.C. § 552, on the website of the U.S. Office of Government Ethics with ethics agreements of other Presidential nominees who file public financial disclosure reports.

Sincerely yours,

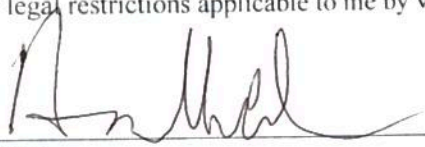
  
for Kevin S. Minoli  
Designated Agency Ethics Official and  
Acting General Counsel



## ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

  
Signature

4-20, 2018  
Date

Wheeler, Andrew Ronald  
Print or type your full name (last, first, middle)